

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP 23926-2016 (O&M)
Date of decision: 18.08.2017**

Gurwinder Singh

.....Petitioner

versus

Regional Passport Officer and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.K.S.Dadwal, Advocate for the petitioner
Mr.Indresh Goel, Advocate for the respondent no.1
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

The present petition has been filed under Articles 226/227 of the Constitution of India praying for a writ in the nature of Mandamus directing respondent no.1 i.e. Regional Passport Officer, Jalandhar to issue passport to the petitioner in view of Section 6 of the Passport Act, 1967.

Both the parties have been heard.

As per the stand of the State, the passport is sought to be denied to the petitioner on account of the fact that an FIR No.64 dated 7.8.2012 under Sections 448 and 427 IPC has been registered against the petitioner at Police Station Mahilpur, District Hoshiarpur. The quashing petition against the said FIR is pending at the behest of the present petitioner before this Court bearing CRM-M-22401-2013, in which, presentation of challan has

been stayed. Under Section 6 (2)(f) of the Passport Act, 1967, the passport can be refused to a person if proceedings in respect of an offence to have been committed by the applicant, are pending in a Court in India. In the present case, proceedings are not pending in the Court but pending investigation, in which, presentation of challan has been stayed. This Court is yet to decide whether the said FIR is to be quashed or not.

It being so, there is no justification in refusing the issuance of passport to the petitioner. As such, the present petition is allowed. Regional Passport Officer, Jalandhar – respondent no.1 is directed to issue passport to the petitioner immediately.

18.08.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No